



State of Wisconsin
2013 - 2014 LEGISLATURE

in
1/18



LRB-0254/3
ARG:sac/3

RMR

DOA:.....Byrnes, BB0240 - Change maintenance definition and add appropriation

FOR 2013-2015 BUDGET -- NOT READY FOR INTRODUCTION

do not give

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AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

TRANSPORTATION

HIGHWAYS

Under current law, DOT is responsible for maintenance of the state trunk highway system. DOT may perform highway maintenance or it may contract with counties, municipalities, or private contractors to provide highway maintenance services on state trunk highways. General maintenance activities include snow and ice control, interim repair of highway surfaces, vegetation management, and other operations, activities, and processes required on a continuing basis for the preservation of state highways. Maintenance activities also include the installation, replacement, rehabilitation, or maintenance of highway signs, traffic control signals, highway lighting, pavement markings, and intelligent transportation systems (specialized systems, such as roadway detector loops, closed circuit television, variable message signs, or ramp meters, used to improve efficiency or safety). Under current law, "highway improvements" include construction, reconstruction, and rehabilitation of highways and processes incidental to building or bettering highways, but do not include maintenance and specifically do not include the installation, replacement, rehabilitation, or maintenance of highway signs, traffic control signals, highway lighting, pavement markings, or intelligent transportation

systems unless incidental to a highway improvement project. Under current law, highway improvements and highway maintenance are generally funded from different DOT appropriations.

This bill creates new state, federal, and local appropriations that provide funding for state highway maintenance activities performed by counties, municipalities, or private contractors under contract with DOT. The bill also makes changes with respect to which highway operations and activities are considered highway improvements and which are considered highway maintenance, which affects the source of funding for these operations and activities. However, under the bill, some highway operations and activities, such as maintenance for roadside improvements and private contractor maintenance, can be funded from more than one appropriation. Under this bill, highway maintenance activities no longer include, and highway improvements no longer exclude, the installation, replacement, or rehabilitation of traffic control signals and intelligent transportation systems, but maintenance of traffic control signals and intelligent transportation systems are still considered maintenance activities. Under the bill, highway improvements include highway operations or activities that are life-cycle or investment driven and that are based on an asset management philosophy in which taking action adds service life by preventing or delaying deterioration of highway system functionality, unless these operations or activities are specifically described by statute as maintenance. The bill also eliminates statutory references to "general" maintenance activities and statutory references to and descriptions of "special" maintenance activities.

Under current law, if DOT contracts with a county or municipality to perform maintenance on state trunk highways, DOT must pay the county or municipality the actual cost of performing the maintenance work based on the itemized and verified accounts submitted by the county or municipality to DOT for the work.

This bill allows DOT and the county or municipality to agree to a payment method and terms other than that required by current law, including payment according to a contract price for maintenance services rather than payment for the actual cost of the maintenance.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 20.395 (3) (aq) of the statutes is amended to read:

2 20.395 (3) (aq) *Southeast Wisconsin freeway megaprojects, state funds.* As a
3 continuing appropriation, the amounts in the schedule for southeast Wisconsin
4 freeway megaprojects under s. 84.0145 and for the purpose specified in s. 84.017 (3).

1 This paragraph does not apply to the installation, replacement, rehabilitation, or
2 maintenance of highway signs, traffic control signals, highway lighting, or pavement
3 markings, or to the maintenance of traffic control signals or intelligent
4 transportation systems, unless incidental to a southeast Wisconsin freeway
5 megaproject.

6 **SECTION 2.** 20.395 (3) (ax) of the statutes is amended to read:

7 20.395 (3) (ax) *Southeast Wisconsin freeway megaprojects, federal funds.* All
8 moneys received from the federal government for southeast Wisconsin freeway
9 megaprojects under s. 84.0145 and for the purpose specified in s. 84.017 (3), for such
10 purposes. This paragraph does not apply to the installation, replacement,
11 rehabilitation, or maintenance of highway signs, ~~traffic control signals~~, highway
12 lighting, or pavement markings, or to the maintenance of traffic control signals or
13 intelligent transportation systems, unless incidental to a southeast Wisconsin
14 freeway megaproject.

15 **SECTION 3.** 20.395 (3) (cq) of the statutes is amended to read:

16 20.395 (3) (cq) *State highway rehabilitation, state funds.* As a continuing
17 appropriation, the amounts in the schedule for improvement of existing state trunk
18 and connecting highways; for improvement of bridges on state trunk or connecting
19 highways and other bridges for which improvement is a state responsibility, for
20 necessary approach work for such bridges and for replacement of such bridges with
21 at-grade crossing improvements; for the construction and rehabilitation of the
22 national system of interstate and defense highways and bridges and related
23 appurtenances; for ~~special maintenance~~ activities under s. 84.04 on roadside
24 improvements; for bridges under s. 84.10; for the bridge project under s. 84.115; for
25 payment to a local unit of government for a jurisdictional transfer under s. 84.02 (8);

1 for the disadvantaged business demonstration and training program under s.
2 84.076; for the purpose specified in s. 84.017 (3); for the transfers required under
3 1999 Wisconsin Act 9, section 9250 (1) and 2003 Wisconsin Act 33, section 9153 (4q);
4 and for the purposes described under 1999 Wisconsin Act 9, section 9150 (8g), 2001
5 Wisconsin Act 16, section 9152 (4e), and 2007 Wisconsin Act 20, section 9148 (9i) (b)
6 and (9x). This paragraph does not apply to any southeast Wisconsin freeway
7 megaprojects under s. 84.0145, to any southeast Wisconsin freeway rehabilitation
8 projects under s. 84.014 that also qualify as major highway projects under s. 84.013,
9 or to the installation, replacement, rehabilitation, or maintenance of highway signs,
10 ~~traffic control signals, highway lighting, or pavement markings, or to the~~
11 maintenance of traffic control signals or intelligent transportation systems, unless
12 incidental to the improvement of existing state trunk and connecting highways.

13 **SECTION 4.** 20.395 (3) (cr) of the statutes is amended to read:

14 20.395 (3) (cr) *Southeast Wisconsin freeway rehabilitation, state funds.* As a
15 continuing appropriation, the amounts in the schedule for rehabilitation of
16 southeast Wisconsin freeways, including reconstruction and interim repair of the
17 Marquette interchange in Milwaukee County. This paragraph does not apply to the
18 installation, replacement, rehabilitation, or maintenance of highway signs, ~~traffic~~
19 ~~control signals, highway lighting, or pavement markings, or to the maintenance of~~
20 traffic control signals or intelligent transportation systems, unless incidental to
21 rehabilitation of southeast Wisconsin freeways. No moneys may be encumbered
22 from this appropriation account after June 30, 2011. Notwithstanding s. 20.001 (3)
23 (c), any unencumbered balance in this appropriation account on July 1, 2011, shall
24 be transferred to the appropriation account under par. (cq) except that the amount

1 specified in 2011 Wisconsin Act 32, section 9148 (7f) (a), shall be transferred to the
2 appropriation account under par. (aq).

3 **SECTION 5.** 20.395 (3) (cv) of the statutes is amended to read:

4 20.395 (3) (cv) *State highway rehabilitation, local funds.* All moneys received
5 from any local unit of government or other source for the specific information sign
6 program under s. 86.195; for improvement of existing state trunk and connecting
7 highways; for improvement of bridges on state trunk or connecting highways and
8 other bridges for which improvement is a state responsibility, for necessary approach
9 work for such bridges and for replacement of such bridges with at-grade crossing
10 improvements; for the construction and rehabilitation of the national system of
11 interstate and defense highways and bridges and related appurtenances; for ~~special~~
12 ~~maintenance~~ activities under s. 84.04 on roadside improvements; for the bridge
13 project under s. 84.115; for the railroad and utility alteration and relocation loan
14 program under s. 84.065; for the purpose specified in s. 84.017 (3); and for the
15 disadvantaged business demonstration and training program under s. 84.076, for
16 such purposes. This paragraph does not apply to any southeast Wisconsin freeway
17 megaprojects under s. 84.0145 or to any southeast Wisconsin freeway rehabilitation
18 projects under s. 84.014 that also qualify as major highway projects under s. 84.013.

19 **SECTION 6.** 20.395 (3) (cx) of the statutes is amended to read:

20 20.395 (3) (cx) *State highway rehabilitation, federal funds.* All moneys
21 received from the federal government for improvement of existing state trunk and
22 connecting highways; for improvement of bridges on state trunk or connecting
23 highways and other bridges for which improvement is a state responsibility, for
24 necessary approach work for such bridges and for replacement of such bridges with
25 at-grade crossing improvements; for the construction and rehabilitation of the

1 national system of interstate and defense highways and bridges and related
2 appurtenances; for special maintenance activities under s. 84.04 on roadside
3 improvements; for the bridge project under s. 84.115; for the purpose specified in s.
4 84.017 (3); and for the disadvantaged business demonstration and training program
5 under s. 84.076; and all moneys received under 2003 Wisconsin Act 33, section 9153
6 (4q); for such purposes. This paragraph does not apply to any southeast Wisconsin
7 freeway megaprojects under s. 84.0145 or to any southeast Wisconsin freeway
8 rehabilitation projects under s. 84.014 that also qualify as major highway projects
9 under s. 84.013.

10 SECTION 7. 20.395 (3) (cy) of the statutes is amended to read:

11 20.395 (3) (cy) *Southeast Wisconsin freeway rehabilitation, federal funds.* All
12 moneys received from the federal government for rehabilitation of southeast
13 Wisconsin freeways, including reconstruction and interim repair of the Marquette
14 interchange in Milwaukee County, for such purposes. This paragraph does not apply
15 to the installation, replacement, rehabilitation, or maintenance of highway signs,
16 ~~traffic control signals, highway lighting, or pavement markings, or to the~~
17 maintenance of traffic control signals or intelligent transportation systems, unless
18 incidental to rehabilitation of southeast Wisconsin freeways. No moneys may be
19 encumbered from this appropriation account after June 30, 2011. Notwithstanding
20 s. 20.001 (3) (c), any unencumbered balance in this appropriation account on July 1,
21 2011, shall be transferred to the appropriation account under par. (cx) except that the
22 amount specified in 2011 Wisconsin Act 32, section 9148 (7f) (c), shall be transferred
23 to the appropriation account under par. (ax).

24 SECTION 8. 20.395 (3) (eq) of the statutes is amended to read:

1 20.395 (3) (eq) *Highway maintenance, repair, and traffic system management*
2 *and operations, state funds.* As a continuing appropriation, the amounts in the
3 schedule for the maintenance and repair of roadside improvements under s. 84.04,
4 state trunk highways under s. 84.07, and bridges that are not on the state trunk
5 highway system under s. 84.10; for permit issuance and other highway operations,
6 including the installation, replacement, rehabilitation, or maintenance of highway
7 signs, ~~traffic control signals~~, highway lighting, and pavement markings, and the
8 maintenance of traffic control signals and intelligent transportation systems, under
9 ss. 84.04, 84.07, 84.10, and 348.25 to 348.27 and ch. 349; ~~for the grant under 2005~~
10 ~~Wisconsin Act 25, section 9148 (3f); and for the disadvantaged business~~
11 ~~demonstration and training program under s. 84.076.~~ This paragraph does not apply
12 to special routine maintenance activities under s. 84.04 on roadside improvements
13 performed by county highway committees or municipalities under contract with the
14 department as provided in s. 84.07 (1).

 ***NOTE: This SECTION involves a change in an appropriation that must be
reflected in the revised schedule in s. 20.005, stats.

15 **SECTION 9.** 20.395 (3) (es) of the statutes is created to read:

16 20.395 (3) (es) *Routine maintenance activities, state funds.* As a continuing
17 appropriation, the amounts in the schedule for routine maintenance activities
18 performed under contract with the department as provided in ss. 84.06 (2) (a) and
19 84.07 (1).

 ***NOTE: This SECTION involves a change in an appropriation that must be
reflected in the revised schedule in s. 20.005, stats.

20 **SECTION 10.** 20.395 (3) (ev) of the statutes is amended to read:

21 20.395 (3) (ev) *Highway maintenance, repair, and traffic system management*
22 *and operations, local funds.* All moneys received from any local unit of government

1 or other sources for the maintenance and repair of roadside improvements under s.
2 84.04, state trunk highways under s. 84.07, and bridges that are not on the state
3 trunk highway system under s. 84.10; for signing under s. 86.195; for highway
4 operations such as permit issuance, pavement marking, highway signing, traffic
5 signalization signal and intelligent transportation system maintenance, and
6 highway lighting under ss. 84.04, 84.07, 84.10, and 348.25 to 348.27 and ch. 349; and
7 for the disadvantaged business demonstration and training program under s.
8 84.076; for such purposes. This paragraph does not apply to special routine
9 maintenance activities under s. 84.04 on roadside improvements performed by
10 county highway committees or municipalities under contract with the department
11 as provided in s. 84.07 (1).

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

12 **SECTION 11.** 20.395 (3) (ew) of the statutes is created to read:

13 20.395 (3) (ew) *Routine maintenance activities, local funds.* All moneys
14 received from any local unit of government or other sources for routine maintenance
15 activities performed under contract with the department as provided in ss. 84.06 (2)
16 (a) and 84.07 (1), for such purposes.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

17 **SECTION 12.** 20.395 (3) (ex) of the statutes is amended to read:

18 20.395 (3) (ex) *Highway maintenance, repair, and traffic system management*
19 *and operations, federal funds.* All moneys received from the federal government for
20 the maintenance and repair of roadside improvements under s. 84.04, state trunk
21 highways under s. 84.07, and bridges that are not on the state trunk highway system
22 under s. 84.10; for permit issuance and other highway operations, including the

1 installation, replacement, rehabilitation, or maintenance of highway signs, traffic
2 control signals, highway lighting, and pavement markings, and the maintenance of
3 traffic control signals and intelligent transportation systems, under ss. 84.04, 84.07,
4 84.10, and 348.25 to 348.27 and ch. 349; and for the disadvantaged business
5 demonstration and training program under s. 84.076; for such purposes. This
6 paragraph does not apply to ~~special~~ routine maintenance activities ~~under s. 84.04 on~~
7 ~~roadside improvements performed by county highway committees or municipalities~~
8 under contract with the department as provided in s. 84.07 (1).

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

9 SECTION 13. 20.395 (3) (ey) of the statutes is created to read:

10 20.395 (3) (ey) *Routine maintenance activities, federal funds.* All moneys
11 received from the federal government for routine maintenance activities performed
12 under contract with the department as provided in ss. 84.06 (2) (a) and 84.07 (1), for
13 such purposes.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

14 SECTION 14. 84.06 (1) of the statutes is renumbered 84.06 (1) (intro.) and
15 amended to read:

16 84.06 (1) DEFINITIONS. (intro.) In this section,

17 (a) Subject to par. (b), “improvement” or “highway improvement” includes
18 construction, all of the following:

19 1. Construction, reconstruction, rehabilitation, and processes incidental to
20 building, fabricating, or bettering a highway or street, ~~but not maintenance.~~ The
21 ~~terms do not include the.~~

1 (b) 2. The installation, replacement, rehabilitation, or maintenance of highway
2 signs, ~~traffic control signals~~, highway lighting, or pavement markings, or the
3 maintenance of traffic control signals or intelligent transportation systems, unless
4 incidental to building, fabricating, or bettering a highway or street.

5 **SECTION 15.** 84.06 (1) (a) 2. of the statutes is created to read:

6 84.06 (1) (a) 2. Highway operations or activities that are life-cycle or
7 investment driven and that are based on an asset management philosophy in which
8 taking action adds service life by preventing or delaying deterioration of highway
9 system functionality.

10 **SECTION 16.** 84.06 (1) (b) (intro.) and 1. of the statutes are created to read:

11 84.06 (1) (b) (intro.) “Improvement” or “highway improvement” does not
12 include any of the following:

13 1. Maintenance activities described in s. 84.07 (1).

14 **SECTION 17.** 84.07 (1) of the statutes is amended to read:

15 84.07 (1) ~~STATE EXPENSE; WHEN DONE BY COUNTY OR MUNICIPALITY~~ ROUTINE
16 MAINTENANCE. The state trunk highway system shall be maintained by the state at
17 state expense. The department shall prescribe by rule specifications for such
18 maintenance and may contract with any county highway committee or municipality
19 to have all or certain parts of the work of maintaining the state trunk highways
20 within or beyond the limits of the county or municipality, including interstate
21 bridges, performed by the county or municipality, and any county or municipality
22 may enter into such contract. ~~General maintenance~~ Maintenance activities include
23 the application of protective coatings, the removal and control of snow, the removal,
24 treatment and sanding of ice, interim repair of highway surfaces and adjacent
25 structures, and all other operations, activities and processes required on a regular,

1 continuing basis for the preservation of the highways on the state trunk system, and
2 including the care and protection of trees and other roadside vegetation and suitable
3 planting to prevent soil erosion or to beautify highways pursuant to s. 66.1037, and
4 all routine measures deemed necessary to provide adequate traffic service. ~~Special~~
5 ~~maintenance activities include the restoration, reinforcement, complete repair or~~
6 ~~other activities which the department deems are necessary on an individual basis for~~
7 ~~specified portions of the state trunk system.~~ Maintenance activities also include the
8 installation, replacement, rehabilitation, or maintenance of highway signs, ~~traffic~~
9 ~~control signals, highway lighting, and~~ pavement markings, and the maintenance of
10 traffic control signals and intelligent transportation systems. The department may
11 contract with a private entity for services or materials or both associated with the
12 installation, replacement, rehabilitation, or maintenance of highway signs, ~~traffic~~
13 ~~control signals, highway lighting, and~~ pavement markings, and the maintenance of
14 traffic control signals and intelligent transportation systems.

15 **SECTION 18.** 84.07 (2) of the statutes is renumbered 84.07 (2) (a) and amended
16 to read:

17 84.07 (2) (a) ~~When~~ Except as provided in par. (b), when any county or
18 municipality maintains the state trunk highways within or beyond the limits of the
19 county or municipality, including interstate bridges, in compliance with the
20 arrangement with the department, the department shall pay the actual cost of the
21 maintenance, including the allowance for materials and the use of county or
22 municipal machinery and overhead expenses agreed upon in advance. ~~The~~ Except
23 as provided in par. (b), the payments shall be made upon presentation by the county
24 highway committee or municipal clerk of a properly itemized and verified account.
25 ~~The~~ For payments made under this paragraph, the county highway committee or

1 municipal clerk shall present the itemized accounts for general maintenance work
2 no later than one month following the period during which the work is performed.

3 **SECTION 19.** 84.07 (2) (b) of the statutes is created to read:

4 84.07 (2) (b) When any county or municipality maintains the state trunk
5 highways within or beyond the limits of the county or municipality, including
6 interstate bridges, in compliance with the arrangement with the department, the
7 department and the county or municipality may agree to a payment method and
8 terms other than that specified in par. (a), including payment according to a contract
9 price for maintenance services rather than payment of the actual cost of the
10 maintenance.

11 (END)

**2013-2014 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0254/3ins
ARG:.....

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INSERT ANAL:

(no ¶) The bill limits DOT's expenditure, from certain highway improvement appropriations, of moneys for the installation, replacement, or rehabilitation, not incidental to another highway improvement, of traffic control signals and intelligent transportation systems to a total of \$20,000,000 in any fiscal year.

INSERT 10-13:

SECTION 1. 84.06 (13) of the statutes is created to read:

84.06 (13) CERTAIN EXPENDITURES LIMITED. The department may not encumber or expend, from the appropriations under s. 20.395 (3) (aq)[✓], (cq)[✓], and (cr)[✓], more than a total of \$20,000,000 in any fiscal year for the installation, replacement, or rehabilitation, not incidental to another highway improvement, of traffic control signals and intelligent transportation systems.



State of Wisconsin
2013 - 2014 LEGISLATURE

in
2/13



LRB-0254/34

ARG:sac:jm

(B-Note)

(RMR)

DOA:.....Byrnes, BB0240 - Change maintenance definition and add appropriation

FOR 2013-2015 BUDGET — NOT READY FOR INTRODUCTION

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AN ACT ...; relating to: the budget.

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TRANSPORTATION

HIGHWAYS

Under current law, DOT is responsible for maintenance of the state trunk highway system. DOT may perform highway maintenance or it may contract with counties, municipalities, or private contractors to provide highway maintenance services on state trunk highways. General maintenance activities include snow and ice control, interim repair of highway surfaces, vegetation management, and other operations, activities, and processes required on a continuing basis for the preservation of state highways. Maintenance activities also include the installation, replacement, rehabilitation, or maintenance of highway signs, traffic control signals, highway lighting, pavement markings, and intelligent transportation systems (specialized systems, such as roadway detector loops, closed circuit television, variable message signs, or ramp meters, used to improve efficiency or safety). Under current law, "highway improvements" include construction, reconstruction, and rehabilitation of highways and processes incidental to building or bettering highways, but do not include maintenance and specifically do not include the installation, replacement, rehabilitation, or maintenance of highway signs, traffic control signals, highway lighting, pavement markings, or intelligent transportation

systems unless incidental to a highway improvement project. Under current law, highway improvements and highway maintenance are generally funded from different DOT appropriations.

This bill creates new state, federal, and local appropriations that provide funding for state highway maintenance activities performed by counties, municipalities, or private contractors under contract with DOT. The bill also makes changes with respect to which highway operations and activities are considered highway improvements and which are considered highway maintenance, which affects the source of funding for these operations and activities. However, under the bill, some highway operations and activities, such as maintenance for roadside improvements and private contractor maintenance, can be funded from more than one appropriation. Under this bill, highway maintenance activities no longer include, and highway improvements no longer exclude, the installation, replacement, or rehabilitation of traffic control signals and intelligent transportation systems, but maintenance of traffic control signals and intelligent transportation systems are still considered maintenance activities. The bill limits DOT's expenditure, from certain highway improvement appropriations, of moneys for the installation, replacement, or rehabilitation, not incidental to another highway improvement, of traffic control signals and intelligent transportation systems to a total of \$20,000,000 in any fiscal year. Under the bill, highway improvements include highway operations or activities that are life-cycle or investment driven and that are based on an asset management philosophy in which taking action adds service life by preventing or delaying deterioration of highway system functionality, unless these operations or activities are specifically described by statute as maintenance. The bill also eliminates statutory references to "general" maintenance activities and statutory references to and descriptions of "special" maintenance activities.

Under current law, if DOT contracts with a county or municipality to perform maintenance on state trunk highways, DOT must pay the county or municipality the actual cost of performing the maintenance work based on the itemized and verified accounts submitted by the county or municipality to DOT for the work.

This bill allows DOT and the county or municipality to agree to a payment method and terms other than that required by current law, including payment according to a contract price for maintenance services rather than payment for the actual cost of the maintenance.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 20.395 (3) (aq) of the statutes is amended to read:

1 20.395 (3) (aq) *Southeast Wisconsin freeway megaprojects, state funds.* As a
2 continuing appropriation, the amounts in the schedule for southeast Wisconsin
3 freeway megaprojects under s. 84.0145 and for the purpose specified in s. 84.017 (3).
4 This paragraph does not apply to the installation, replacement, rehabilitation, or
5 maintenance of highway signs, ~~traffic control signals~~, highway lighting, or pavement
6 markings, or to the maintenance of traffic control signals or intelligent
7 transportation systems, unless incidental to a southeast Wisconsin freeway
8 megaproject.

9 **SECTION 2.** 20.395 (3) (ax) of the statutes is amended to read:

10 20.395 (3) (ax) *Southeast Wisconsin freeway megaprojects, federal funds.* All
11 moneys received from the federal government for southeast Wisconsin freeway
12 megaprojects under s. 84.0145 and for the purpose specified in s. 84.017 (3), for such
13 purposes. This paragraph does not apply to the installation, replacement,
14 rehabilitation, or maintenance of highway signs, ~~traffic control signals~~, highway
15 lighting, or pavement markings, or to the maintenance of traffic control signals or
16 intelligent transportation systems, unless incidental to a southeast Wisconsin
17 freeway megaproject.

18 **SECTION 3.** 20.395 (3) (cq) of the statutes is amended to read:

19 20.395 (3) (cq) *State highway rehabilitation, state funds.* As a continuing
20 appropriation, the amounts in the schedule for improvement of existing state trunk
21 and connecting highways; for improvement of bridges on state trunk or connecting
22 highways and other bridges for which improvement is a state responsibility, for
23 necessary approach work for such bridges and for replacement of such bridges with
24 at-grade crossing improvements; for the construction and rehabilitation of the
25 national system of interstate and defense highways and bridges and related

1 appurtenances; for special-maintenance activities under s. 84.04 on roadside
2 improvements; for bridges under s. 84.10; for the bridge project under s. 84.115; for
3 payment to a local unit of government for a jurisdictional transfer under s. 84.02 (8);
4 for the disadvantaged business demonstration and training program under s.
5 84.076; for the purpose specified in s. 84.017 (3); for the transfers required under
6 1999 Wisconsin Act 9, section 9250 (1) and 2003 Wisconsin Act 33, section 9153 (4q);
7 and for the purposes described under 1999 Wisconsin Act 9, section 9150 (8g), 2001
8 Wisconsin Act 16, section 9152 (4e), and 2007 Wisconsin Act 20, section 9148 (9i) (b)
9 and (9x). This paragraph does not apply to any southeast Wisconsin freeway
10 megaprojects under s. 84.0145, to any southeast Wisconsin freeway rehabilitation
11 projects under s. 84.014 that also qualify as major highway projects under s. 84.013,
12 or to the installation, replacement, rehabilitation, or maintenance of highway signs,
13 ~~traffic control signals~~, highway lighting, or pavement markings, or to the
14 maintenance of traffic control signals or intelligent transportation systems, unless
15 incidental to the improvement of existing state trunk and connecting highways.

16 **SECTION 4.** 20.395 (3) (cr) of the statutes is amended to read:

17 20.395 (3) (cr) *Southeast Wisconsin freeway rehabilitation, state funds.* As a
18 continuing appropriation, the amounts in the schedule for rehabilitation of
19 southeast Wisconsin freeways, including reconstruction and interim repair of the
20 Marquette interchange in Milwaukee County. This paragraph does not apply to the
21 installation, replacement, rehabilitation, or maintenance of highway signs, ~~traffic~~
22 ~~control signals~~, highway lighting, or pavement markings, or to the maintenance of
23 traffic control signals or intelligent transportation systems, unless incidental to
24 rehabilitation of southeast Wisconsin freeways. No moneys may be encumbered
25 from this appropriation account after June 30, 2011. Notwithstanding s. 20.001 (3)

1 (c), any unencumbered balance in this appropriation account on July 1, 2011, shall
2 be transferred to the appropriation account under par. (cq) except that the amount
3 specified in 2011 Wisconsin Act 32, section 9148 (7f) (a), shall be transferred to the
4 appropriation account under par. (aq).

5 **SECTION 5.** 20.395 (3) (cv) of the statutes is amended to read:

6 20.395 (3) (cv) *State highway rehabilitation, local funds.* All moneys received
7 from any local unit of government or other source for the specific information sign
8 program under s. 86.195; for improvement of existing state trunk and connecting
9 highways; for improvement of bridges on state trunk or connecting highways and
10 other bridges for which improvement is a state responsibility, for necessary approach
11 work for such bridges and for replacement of such bridges with at-grade crossing
12 improvements; for the construction and rehabilitation of the national system of
13 interstate and defense highways and bridges and related appurtenances; for special
14 ~~maintenance~~ activities under s. 84.04 on roadside improvements; for the bridge
15 project under s. 84.115; for the railroad and utility alteration and relocation loan
16 program under s. 84.065; for the purpose specified in s. 84.017 (3); and for the
17 disadvantaged business demonstration and training program under s. 84.076, for
18 such purposes. This paragraph does not apply to any southeast Wisconsin freeway
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20 projects under s. 84.014 that also qualify as major highway projects under s. 84.013.

21 **SECTION 6.** 20.395 (3) (cx) of the statutes is amended to read:

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24 connecting highways; for improvement of bridges on state trunk or connecting
25 highways and other bridges for which improvement is a state responsibility, for

1 necessary approach work for such bridges and for replacement of such bridges with
2 at-grade crossing improvements; for the construction and rehabilitation of the
3 national system of interstate and defense highways and bridges and related
4 appurtenances; for special-maintenance activities under s. 84.04 on roadside
5 improvements; for the bridge project under s. 84.115; for the purpose specified in s.
6 84.017 (3); and for the disadvantaged business demonstration and training program
7 under s. 84.076; and all moneys received under 2003 Wisconsin Act 33, section 9153
8 (4q); for such purposes. This paragraph does not apply to any southeast Wisconsin
9 freeway megaprojects under s. 84.0145 or to any southeast Wisconsin freeway
10 rehabilitation projects under s. 84.014 that also qualify as major highway projects
11 under s. 84.013.

12 **SECTION 7.** 20.395 (3) (cy) of the statutes is amended to read:

13 20.395 (3) (cy) *Southeast Wisconsin freeway rehabilitation, federal funds.* All
14 moneys received from the federal government for rehabilitation of southeast
15 Wisconsin freeways, including reconstruction and interim repair of the Marquette
16 interchange in Milwaukee County, for such purposes. This paragraph does not apply
17 to the installation, replacement, rehabilitation, or maintenance of highway signs,
18 ~~traffic control signals, highway lighting, or pavement markings, or to the~~
19 maintenance of traffic control signals or intelligent transportation systems, unless
20 incidental to rehabilitation of southeast Wisconsin freeways. No moneys may be
21 encumbered from this appropriation account after June 30, 2011. Notwithstanding
22 s. 20.001 (3) (c), any unencumbered balance in this appropriation account on July 1,
23 2011, shall be transferred to the appropriation account under par. (cx) except that the
24 amount specified in 2011 Wisconsin Act 32, section 9148 (7f) (c), shall be transferred
25 to the appropriation account under par. (ax).

1 **SECTION 8.** 20.395 (3) (eq) of the statutes is amended to read:

2 20.395 (3) (eq) *Highway maintenance, repair, and traffic system management*
3 *and operations, state funds.* As a continuing appropriation, the amounts in the
4 schedule for the maintenance and repair of roadside improvements under s. 84.04,
5 state trunk highways under s. 84.07, and bridges that are not on the state trunk
6 highway system under s. 84.10; for permit issuance and other highway operations,
7 including the installation, replacement, rehabilitation, or maintenance of highway
8 signs, ~~traffic control signals~~, highway lighting, and pavement markings, and the
9 maintenance of traffic control signals and intelligent transportation systems, under
10 ss. 84.04, 84.07, 84.10, and 348.25 to 348.27 and ch. 349; for the grant under 2005
11 Wisconsin Act 25, section 9148 (3f); and for the disadvantaged business
12 demonstration and training program under s. 84.076. This paragraph does not apply
13 to special routine maintenance activities under s. 84.04 on roadside improvements
14 performed by county highway committees or municipalities under contract with the
15 department as provided in s. 84.07 (1).

 ****NOTE: This SECTION involves a change in an appropriation that must be
reflected in the revised schedule in s. 20.005, stats.

16 **SECTION 9.** 20.395 (3) (es) of the statutes is created to read:

17 20.395 (3) (es) *Routine maintenance activities, state funds.* As a continuing
18 appropriation, the amounts in the schedule for routine maintenance activities
19 performed under contract with the department as provided in ss. 84.06 (2) (a) and
20 84.07 (1).

 ****NOTE: This SECTION involves a change in an appropriation that must be
reflected in the revised schedule in s. 20.005, stats.

21 **SECTION 10.** 20.395 (3) (ev) of the statutes is amended to read:

1 20.395 (3) (ev) *Highway maintenance, repair, and traffic system management*
2 and operations, local funds. All moneys received from any local unit of government
3 or other sources for the maintenance and repair of roadside improvements under s.
4 84.04, state trunk highways under s. 84.07, and bridges that are not on the state
5 trunk highway system under s. 84.10; for signing under s. 86.195; for highway
6 operations such as permit issuance, pavement marking, highway signing, traffic
7 signalization signal and intelligent transportation system maintenance, and
8 highway lighting under ss. 84.04, 84.07, 84.10, and 348.25 to 348.27 and ch. 349; and
9 for the disadvantaged business demonstration and training program under s.
10 84.076; for such purposes. This paragraph does not apply to special routine
11 maintenance activities under s. 84.04 on roadside improvements performed by
12 county highway committees or municipalities under contract with the department
13 as provided in s. 84.07 (1).

 ****NOTE: This SECTION involves a change in an appropriation that must be
reflected in the revised schedule in s. 20.005, stats.

14 **SECTION 11.** 20.395 (3) (ew) of the statutes is created to read:

15 20.395 (3) (ew) *Routine maintenance activities, local funds.* All moneys
16 received from any local unit of government or other sources for routine maintenance
17 activities performed under contract with the department as provided in ss. 84.06 (2)
18 (a) and 84.07 (1), for such purposes.

 ****NOTE: This SECTION involves a change in an appropriation that must be
reflected in the revised schedule in s. 20.005, stats.

19 **SECTION 12.** 20.395 (3) (ex) of the statutes is amended to read:

20 20.395 (3) (ex) *Highway maintenance, repair, and traffic system management*
21 and operations, federal funds. All moneys received from the federal government for
22 the maintenance and repair of roadside improvements under s. 84.04, state trunk

1 highways under s. 84.07, and bridges that are not on the state trunk highway system
2 under s. 84.10; for permit issuance and other highway operations, including the
3 installation, replacement, rehabilitation, or maintenance of highway signs, ~~traffic~~
4 ~~control signals~~, highway lighting, and pavement markings, and the maintenance of
5 traffic control signals and intelligent transportation systems, under ss. 84.04, 84.07,
6 84.10, and 348.25 to 348.27 and ch. 349; and for the disadvantaged business
7 demonstration and training program under s. 84.076; for such purposes. This
8 paragraph does not apply to special routine maintenance activities ~~under s. 84.04 on~~
9 ~~roadside improvements performed by county highway committees or municipalities~~
10 under contract with the department as provided in s. 84.07 (1).

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

11 **SECTION 13.** 20.395 (3) (ey) of the statutes is created to read:

12 20.395 (3) (ey) *Routine maintenance activities, federal funds.* All moneys
13 received from the federal government for routine maintenance activities performed
14 under contract with the department as provided in ss. 84.06 (2) (a) and 84.07 (1), for
15 such purposes.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

16 **SECTION 14.** 84.06 (1) of the statutes is renumbered 84.06 (1) (intro.) and
17 amended to read:

18 84.06 (1) DEFINITIONS. (intro.) In this section,

19 (a) Subject to par. (b), "improvement" or "highway improvement" includes
20 ~~construction,~~ all of the following:

1 1. Construction, reconstruction, rehabilitation, and processes incidental to
2 building, fabricating, or bettering a highway or street, ~~but not maintenance.~~ The
3 ~~terms do not include the.~~

4 (b) 2. The installation, replacement, rehabilitation, or maintenance of highway
5 signs, ~~traffic control signals~~, highway lighting, or pavement markings, or the
6 maintenance of traffic control signals or intelligent transportation systems, unless
7 incidental to building, fabricating, or bettering a highway or street.

8 **SECTION 15.** 84.06 (1) (a) 2. of the statutes is created to read:

9 84.06 (1) (a) 2. Highway operations or activities that are life-cycle or
10 investment driven and that are based on an asset management philosophy in which
11 taking action adds service life by preventing or delaying deterioration of highway
12 system functionality.

13 **SECTION 16.** 84.06 (1) (b) (intro.) and 1. of the statutes are created to read:

14 84.06 (1) (b) (intro.) "Improvement" or "highway improvement" does not
15 include any of the following:

16 1. Maintenance activities described in s. 84.07 (1).

17 **SECTION 17.** 84.06 (13) of the statutes is created to read:

18 84.06 (13) CERTAIN EXPENDITURES LIMITED. The department may not encumber
19 or expend, from the appropriations under s. 20.395 (3) (aq), (cq), and (cr), more than
20 a total of \$20,000,000 in any fiscal year for the installation, replacement, or
21 rehabilitation, not incidental to another highway improvement, of traffic control
22 signals and intelligent transportation systems.

23 **SECTION 18.** 84.07 (1) of the statutes is amended to read:

24 84.07 (1) ~~STATE EXPENSE; WHEN DONE BY COUNTY OR MUNICIPALITY ROUTINE~~
25 MAINTENANCE. ~~The~~ ^{insert 10-25} state trunk highway system shall be maintained by the state at

1 state expense. The department shall prescribe by rule specifications for such
2 maintenance and may contract with any county highway committee or municipality
3 to have all or certain parts of the work of maintaining the state trunk highways
4 within or beyond the limits of the county or municipality, including interstate
5 bridges, performed by the county or municipality, and any county or municipality
6 may enter into such contract. ~~General maintenance~~ Maintenance activities include
7 the application of protective coatings, the removal and control of snow, the removal,
8 treatment and sanding of ice, interim repair of highway surfaces and adjacent
9 structures, and all other operations, activities and processes required on a regular,
10 continuing basis for the preservation of the highways on the state trunk system, and
11 including the care and protection of trees and other roadside vegetation and suitable
12 planting to prevent soil erosion or to beautify highways pursuant to s. 66.1037, and
13 all routine measures deemed necessary to provide adequate traffic service. Special
14 ~~maintenance activities include the restoration, reinforcement, complete repair or~~
15 ~~other activities which the department deems are necessary on an individual basis for~~
16 ~~specified portions of the state trunk system.~~ Maintenance activities also include the
17 installation, replacement, rehabilitation, or maintenance of highway signs, ~~traffic~~
18 ~~control signals~~, highway lighting, and pavement markings, and the maintenance of
19 traffic control signals and intelligent transportation systems. The department may
20 contract with a private entity for services or materials or both associated with the
21 installation, replacement, rehabilitation, or maintenance of highway signs, ~~traffic~~
22 ~~control signals~~, highway lighting, and pavement markings, and the maintenance of
23 traffic control signals and intelligent transportation systems.

24 **SECTION 19.** 84.07 (2) of the statutes is renumbered 84.07 (2) (a) and amended
25 to read:

84.07 (2) (a) ~~When~~ Except as provided in par. (b), when any county or municipality maintains the state trunk highways within or beyond the limits of the county or municipality, including interstate bridges, in compliance with the arrangement with the department, the department shall pay the actual cost of the maintenance, including the allowance for materials and the use of county or municipal machinery and overhead expenses agreed upon in advance. ~~The~~ Except as provided in par. (b), the payments shall be made upon presentation by the county highway committee or municipal clerk of a properly itemized and verified account. ~~The~~ For payments made under this paragraph, the county highway committee or municipal clerk shall present the itemized accounts for general maintenance work no later than one month following the period during which the work is performed.

SECTION 20. 84.07 (2) (b) of the statutes is created to read:

84.07 (2) (b) When any county or municipality maintains the state trunk highways within or beyond the limits of the county or municipality, including interstate bridges, in compliance with the arrangement with the department, the department and the county or municipality may agree to a payment method and terms other than that specified in par. (a), including payment according to a contract price for maintenance services rather than payment of the actual cost of the maintenance.

(END)

\$ Note

INSERT

~~84.07(1) STATE EXPENSE WHEN DONE BY COUNTY OR MUNICIPALITY~~ The Subject

to sub. (1r), the state trunk highway system shall be maintained by the state at state expense. The department shall prescribe by rule specifications for such maintenance and may contract with any county highway committee or municipality to have all or certain parts of the work of maintaining the state trunk highways within or beyond the limits of the county or municipality, including interstate bridges, performed by the county or municipality, and any county or municipality may enter into such contract. General maintenance activities include the application of protective coatings, the removal and control of snow, the removal, treatment and sanding of ice, interim repair of highway surfaces and adjacent structures, and all other operations, activities and processes required on a continuing basis for the preservation of the highways on the state trunk system, and including the care and protection of trees and other roadside vegetation and suitable planting to prevent soil erosion or to beautify highways pursuant to s. 66.1037, and all measures deemed necessary to provide adequate traffic service. Special maintenance activities include the restoration, reinforcement, complete repair or other activities which the department deems are necessary on an individual basis for specified portions of the state trunk system. Maintenance activities also include the installation, replacement, rehabilitation, or maintenance of highway signs, traffic control signals, highway lighting, pavement markings, and intelligent transportation systems. The department may contract with a private entity for services or materials or both associated with the installation, replacement, rehabilitation, or maintenance of highway signs, traffic control signals, highway lighting, pavement markings, and intelligent transportation systems.

SECTION 5. 84.07 (1r) of the statutes is created to read:

**2013-2014 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-025/4ins
ARG:.....

INSERT 11-23:

****NOTE: This is reconciled s. 84.07 (1). This SECTION has been affected by drafts with the following LRB numbers: LRB-0254 and LRB-0161. In this draft, I added text from LRB-0161.

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0254/4dn

ARG:./:....

See

- date -

ATTN: Tyler Byrnes

13

12

* This draft reconciles LRB-0254¹³ and LRB-0161¹². Both of these drafts should continue to appear in the compiled bill. I have added to this draft the treatment of s. 84.07 (1) that was in LRB-0161.

Aaron R. Gary
Legislative Attorney
Phone: (608) 261-6926
E-mail: aaron.gary@legis.wisconsin.gov

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0254/4dn

ARG:sac:rs

February 13, 2013

ATTN: Tyler Byrnes

This draft reconciles LRB-0254/3 and LRB-0161/2. Both of these drafts should continue to appear in the compiled bill. I have added to this draft the treatment of s. 84.07 (1) that was in LRB-0161.

Aaron R. Gary
Legislative Attorney
Phone: (608) 261-6926
E-mail: aaron.gary@legis.wisconsin.gov



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-0254/4

ARG:sac:rs

DOA:.....Byrnes, BB0240 - Change maintenance definition and add appropriation

FOR 2013-2015 BUDGET -- NOT READY FOR INTRODUCTION

1 **AN ACT ...; relating to:** the budget.

Analysis by the Legislative Reference Bureau

TRANSPORTATION

HIGHWAYS

Under current law, DOT is responsible for maintenance of the state trunk highway system. DOT may perform highway maintenance or it may contract with counties, municipalities, or private contractors to provide highway maintenance services on state trunk highways. General maintenance activities include snow and ice control, interim repair of highway surfaces, vegetation management, and other operations, activities, and processes required on a continuing basis for the preservation of state highways. Maintenance activities also include the installation, replacement, rehabilitation, or maintenance of highway signs, traffic control signals, highway lighting, pavement markings, and intelligent transportation systems (specialized systems, such as roadway detector loops, closed circuit television, variable message signs, or ramp meters, used to improve efficiency or safety). Under current law, "highway improvements" include construction, reconstruction, and rehabilitation of highways and processes incidental to building or bettering highways, but do not include maintenance and specifically do not include the installation, replacement, rehabilitation, or maintenance of highway signs, traffic control signals, highway lighting, pavement markings, or intelligent transportation

systems unless incidental to a highway improvement project. Under current law, highway improvements and highway maintenance are generally funded from different DOT appropriations.

This bill creates new state, federal, and local appropriations that provide funding for state highway maintenance activities performed by counties, municipalities, or private contractors under contract with DOT. The bill also makes changes with respect to which highway operations and activities are considered highway improvements and which are considered highway maintenance, which affects the source of funding for these operations and activities. However, under the bill, some highway operations and activities, such as maintenance for roadside improvements and private contractor maintenance, can be funded from more than one appropriation. Under this bill, highway maintenance activities no longer include, and highway improvements no longer exclude, the installation, replacement, or rehabilitation of traffic control signals and intelligent transportation systems, but maintenance of traffic control signals and intelligent transportation systems are still considered maintenance activities. The bill limits DOT's expenditure, from certain highway improvement appropriations, of moneys for the installation, replacement, or rehabilitation, not incidental to another highway improvement, of traffic control signals and intelligent transportation systems to a total of \$20,000,000 in any fiscal year. Under the bill, highway improvements include highway operations or activities that are life-cycle or investment driven and that are based on an asset management philosophy in which taking action adds service life by preventing or delaying deterioration of highway system functionality, unless these operations or activities are specifically described by statute as maintenance. The bill also eliminates statutory references to "general" maintenance activities and statutory references to and descriptions of "special" maintenance activities.

Under current law, if DOT contracts with a county or municipality to perform maintenance on state trunk highways, DOT must pay the county or municipality the actual cost of performing the maintenance work based on the itemized and verified accounts submitted by the county or municipality to DOT for the work.

This bill allows DOT and the county or municipality to agree to a payment method and terms other than that required by current law, including payment according to a contract price for maintenance services rather than payment for the actual cost of the maintenance.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 20.395 (3) (aq) of the statutes is amended to read:

1 20.395 (3) (aq) *Southeast Wisconsin freeway megaprojects, state funds.* As a
2 continuing appropriation, the amounts in the schedule for southeast Wisconsin
3 freeway megaprojects under s. 84.0145 and for the purpose specified in s. 84.017 (3).
4 This paragraph does not apply to the installation, replacement, rehabilitation, or
5 maintenance of highway signs, ~~traffic control signals~~, highway lighting, or pavement
6 markings, or to the maintenance of traffic control signals or intelligent
7 transportation systems, unless incidental to a southeast Wisconsin freeway
8 megaproject.

9 **SECTION 2.** 20.395 (3) (ax) of the statutes is amended to read:

10 20.395 (3) (ax) *Southeast Wisconsin freeway megaprojects, federal funds.* All
11 moneys received from the federal government for southeast Wisconsin freeway
12 megaprojects under s. 84.0145 and for the purpose specified in s. 84.017 (3), for such
13 purposes. This paragraph does not apply to the installation, replacement,
14 rehabilitation, or maintenance of highway signs, ~~traffic control signals~~, highway
15 lighting, or pavement markings, or to the maintenance of traffic control signals or
16 intelligent transportation systems, unless incidental to a southeast Wisconsin
17 freeway megaproject.

18 **SECTION 3.** 20.395 (3) (cq) of the statutes is amended to read:

19 20.395 (3) (cq) *State highway rehabilitation, state funds.* As a continuing
20 appropriation, the amounts in the schedule for improvement of existing state trunk
21 and connecting highways; for improvement of bridges on state trunk or connecting
22 highways and other bridges for which improvement is a state responsibility, for
23 necessary approach work for such bridges and for replacement of such bridges with
24 at-grade crossing improvements; for the construction and rehabilitation of the
25 national system of interstate and defense highways and bridges and related

1 appurtenances; for ~~special maintenance~~ activities under s. 84.04 on roadside
2 improvements; for bridges under s. 84.10; for the bridge project under s. 84.115; for
3 payment to a local unit of government for a jurisdictional transfer under s. 84.02 (8);
4 for the disadvantaged business demonstration and training program under s.
5 84.076; for the purpose specified in s. 84.017 (3); for the transfers required under
6 1999 Wisconsin Act 9, section 9250 (1) and 2003 Wisconsin Act 33, section 9153 (4q);
7 and for the purposes described under 1999 Wisconsin Act 9, section 9150 (8g), 2001
8 Wisconsin Act 16, section 9152 (4e), and 2007 Wisconsin Act 20, section 9148 (9i) (b)
9 and (9x). This paragraph does not apply to any southeast Wisconsin freeway
10 megaprojects under s. 84.0145, to any southeast Wisconsin freeway rehabilitation
11 projects under s. 84.014 that also qualify as major highway projects under s. 84.013,
12 or to the installation, replacement, rehabilitation, or maintenance of highway signs,
13 ~~traffic control signals~~, highway lighting, or pavement markings, or to the
14 maintenance of traffic control signals or intelligent transportation systems, unless
15 incidental to the improvement of existing state trunk and connecting highways.

16 SECTION 4. 20.395 (3) (cr) of the statutes is amended to read:

17 20.395 (3) (cr) *Southeast Wisconsin freeway rehabilitation, state funds.* As a
18 continuing appropriation, the amounts in the schedule for rehabilitation of
19 southeast Wisconsin freeways, including reconstruction and interim repair of the
20 Marquette interchange in Milwaukee County. This paragraph does not apply to the
21 installation, replacement, rehabilitation, or maintenance of highway signs, ~~traffic~~
22 ~~control signals~~, highway lighting, or pavement markings, or to the maintenance of
23 traffic control signals or intelligent transportation systems, unless incidental to
24 rehabilitation of southeast Wisconsin freeways. No moneys may be encumbered
25 from this appropriation account after June 30, 2011. Notwithstanding s. 20.001 (3)

1 (c), any unencumbered balance in this appropriation account on July 1, 2011, shall
2 be transferred to the appropriation account under par. (cq) except that the amount
3 specified in 2011 Wisconsin Act 32, section 9148 (7f) (a), shall be transferred to the
4 appropriation account under par. (aq).

5 **SECTION 5.** 20.395 (3) (cv) of the statutes is amended to read:

6 20.395 (3) (cv) *State highway rehabilitation, local funds.* All moneys received
7 from any local unit of government or other source for the specific information sign
8 program under s. 86.195; for improvement of existing state trunk and connecting
9 highways; for improvement of bridges on state trunk or connecting highways and
10 other bridges for which improvement is a state responsibility, for necessary approach
11 work for such bridges and for replacement of such bridges with at-grade crossing
12 improvements; for the construction and rehabilitation of the national system of
13 interstate and defense highways and bridges and related appurtenances; for special
14 maintenance activities under s. 84.04 on roadside improvements; for the bridge
15 project under s. 84.115; for the railroad and utility alteration and relocation loan
16 program under s. 84.065; for the purpose specified in s. 84.017 (3); and for the
17 disadvantaged business demonstration and training program under s. 84.076, for
18 such purposes. This paragraph does not apply to any southeast Wisconsin freeway
19 megaprojects under s. 84.0145 or to any southeast Wisconsin freeway rehabilitation
20 projects under s. 84.014 that also qualify as major highway projects under s. 84.013.

21 **SECTION 6.** 20.395 (3) (cx) of the statutes is amended to read:

22 20.395 (3) (cx) *State highway rehabilitation, federal funds.* All moneys
23 received from the federal government for improvement of existing state trunk and
24 connecting highways; for improvement of bridges on state trunk or connecting
25 highways and other bridges for which improvement is a state responsibility, for

1 necessary approach work for such bridges and for replacement of such bridges with
2 at-grade crossing improvements; for the construction and rehabilitation of the
3 national system of interstate and defense highways and bridges and related
4 appurtenances; for ~~special maintenance~~ activities under s. 84.04 on roadside
5 improvements; for the bridge project under s. 84.115; for the purpose specified in s.
6 84.017 (3); and for the disadvantaged business demonstration and training program
7 under s. 84.076; and all moneys received under 2003 Wisconsin Act 33, section 9153
8 (4q); for such purposes. This paragraph does not apply to any southeast Wisconsin
9 freeway megaprojects under s. 84.0145 or to any southeast Wisconsin freeway
10 rehabilitation projects under s. 84.014 that also qualify as major highway projects
11 under s. 84.013.

12 **SECTION 7.** 20.395 (3) (cy) of the statutes is amended to read:

13 20.395 (3) (cy) *Southeast Wisconsin freeway rehabilitation, federal funds.* All
14 moneys received from the federal government for rehabilitation of southeast
15 Wisconsin freeways, including reconstruction and interim repair of the Marquette
16 interchange in Milwaukee County, for such purposes. This paragraph does not apply
17 to the installation, replacement, rehabilitation, or maintenance of highway signs,
18 ~~traffic control signals~~, highway lighting, or pavement markings, or to the
19 maintenance of traffic control signals or intelligent transportation systems, unless
20 incidental to rehabilitation of southeast Wisconsin freeways. No moneys may be
21 encumbered from this appropriation account after June 30, 2011. Notwithstanding
22 s. 20.001 (3) (c), any unencumbered balance in this appropriation account on July 1,
23 2011, shall be transferred to the appropriation account under par. (cx) except that the
24 amount specified in 2011 Wisconsin Act 32, section 9148 (7f) (c), shall be transferred
25 to the appropriation account under par. (ax).

1 **SECTION 8.** 20.395 (3) (eq) of the statutes is amended to read:

2 20.395 (3) (eq) *Highway maintenance, repair, and traffic system management*
3 and operations, state funds. As a continuing appropriation, the amounts in the
4 schedule for the maintenance and repair of roadside improvements under s. 84.04,
5 state trunk highways under s. 84.07, and bridges that are not on the state trunk
6 highway system under s. 84.10; for permit issuance and other highway operations,
7 including the installation, replacement, rehabilitation, or maintenance of highway
8 signs, ~~traffic control signals~~, highway lighting, and pavement markings, and the
9 maintenance of traffic control signals and intelligent transportation systems, under
10 ss. 84.04, 84.07, 84.10, and 348.25 to 348.27 and ch. 349; ~~for the grant under 2005~~
11 ~~Wisconsin Act 25, section 9148 (3f); and for the disadvantaged business~~
12 demonstration and training program under s. 84.076. This paragraph does not apply
13 to ~~special routine maintenance activities under s. 84.04 on roadside improvements~~
14 performed by county highway committees or municipalities under contract with the
15 department as provided in s. 84.07 (1).

 ***NOTE: This SECTION involves a change in an appropriation that must be
reflected in the revised schedule in s. 20.005, stats.

16 **SECTION 9.** 20.395 (3) (es) of the statutes is created to read:

17 20.395 (3) (es) *Routine maintenance activities, state funds.* As a continuing
18 appropriation, the amounts in the schedule for routine maintenance activities
19 performed under contract with the department as provided in ss. 84.06 (2) (a) and
20 84.07 (1).

 ***NOTE: This SECTION involves a change in an appropriation that must be
reflected in the revised schedule in s. 20.005, stats.

21 **SECTION 10.** 20.395 (3) (ev) of the statutes is amended to read:

1 20.395 (3) (ev) *Highway maintenance, repair, and traffic system management*
2 *and operations, local funds.* All moneys received from any local unit of government
3 or other sources for the maintenance and repair of roadside improvements under s.
4 84.04, state trunk highways under s. 84.07, and bridges that are not on the state
5 trunk highway system under s. 84.10; for signing under s. 86.195; for highway
6 operations such as permit issuance, pavement marking, highway signing, traffic
7 signalization signal and intelligent transportation system maintenance, and
8 highway lighting under ss. 84.04, 84.07, 84.10, and 348.25 to 348.27 and ch. 349; and
9 for the disadvantaged business demonstration and training program under s.
10 84.076; for such purposes. This paragraph does not apply to special routine
11 maintenance activities under s. 84.04 on roadside improvements performed by
12 county highway committees or municipalities under contract with the department
13 as provided in s. 84.07 (1).

 ****NOTE: This SECTION involves a change in an appropriation that must be
reflected in the revised schedule in s. 20.005, stats.

14 **SECTION 11.** 20.395 (3) (ew) of the statutes is created to read:

15 20.395 (3) (ew) *Routine maintenance activities, local funds.* All moneys
16 received from any local unit of government or other sources for routine maintenance
17 activities performed under contract with the department as provided in ss. 84.06 (2)
18 (a) and 84.07 (1), for such purposes.

 ****NOTE: This SECTION involves a change in an appropriation that must be
reflected in the revised schedule in s. 20.005, stats.

19 **SECTION 12.** 20.395 (3) (ex) of the statutes is amended to read:

20 20.395 (3) (ex) *Highway maintenance, repair, and traffic system management*
21 *and operations, federal funds.* All moneys received from the federal government for
22 the maintenance and repair of roadside improvements under s. 84.04, state trunk

1 highways under s. 84.07, and bridges that are not on the state trunk highway system
2 under s. 84.10; for permit issuance and other highway operations, including the
3 installation, replacement, rehabilitation, or maintenance of highway signs, traffic
4 control signals, highway lighting, and pavement markings, and the maintenance of
5 traffic control signals and intelligent transportation systems, under ss. 84.04, 84.07,
6 84.10, and 348.25 to 348.27 and ch. 349; and for the disadvantaged business
7 demonstration and training program under s. 84.076; for such purposes. This
8 paragraph does not apply to ~~special~~ routine maintenance activities ~~under s. 84.04 on~~
9 roadside improvements performed by county highway committees or municipalities
10 under contract with the department as provided in s. 84.07 (1).

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

11 **SECTION 13.** 20.395 (3) (ey) of the statutes is created to read:

12 20.395 (3) (ey) *Routine maintenance activities, federal funds.* All moneys
13 received from the federal government for routine maintenance activities performed
14 under contract with the department as provided in ss. 84.06 (2) (a) and 84.07 (1), for
15 such purposes.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

16 **SECTION 14.** 84.06 (1) of the statutes is renumbered 84.06 (1) (intro.) and
17 amended to read:

18 84.06 (1) DEFINITIONS. (intro.) In this section:

19 (a) Subject to par. (b), "improvement" or "highway improvement" includes
20 construction, all of the following:

1 1. Construction, reconstruction, rehabilitation, and processes incidental to
2 building, fabricating, or bettering a highway or street, ~~but not maintenance. The~~
3 ~~terms do not include the.~~

4 (b) 2. The installation, replacement, rehabilitation, or maintenance of highway
5 signs, ~~traffic control signals~~, highway lighting, or pavement markings, or the
6 maintenance of traffic control signals or intelligent transportation systems, unless
7 incidental to building, fabricating, or bettering a highway or street.

8 **SECTION 15.** 84.06 (1) (a) 2. of the statutes is created to read:

9 84.06 (1) (a) 2. Highway operations or activities that are life-cycle or
10 investment driven and that are based on an asset management philosophy in which
11 taking action adds service life by preventing or delaying deterioration of highway
12 system functionality.

13 **SECTION 16.** 84.06 (1) (b) (intro.) and 1. of the statutes are created to read:

14 84.06 (1) (b) (intro.) “Improvement” or “highway improvement” does not
15 include any of the following:

16 1. Maintenance activities described in s. 84.07 (1).

17 **SECTION 17.** 84.06 (13) of the statutes is created to read:

18 84.06 (13) CERTAIN EXPENDITURES LIMITED. The department may not encumber
19 or expend, from the appropriations under s. 20.395 (3) (aq), (cq), and (cr), more than
20 a total of \$20,000,000 in any fiscal year for the installation, replacement, or
21 rehabilitation, not incidental to another highway improvement, of traffic control
22 signals and intelligent transportation systems.

23 **SECTION 18.** 84.07 (1) of the statutes is amended to read:

24 84.07 (1) ~~STATE EXPENSE; WHEN DONE BY COUNTY OR MUNICIPALITY~~ ROUTINE
25 MAINTENANCE. The Subject to sub. (1r), the state trunk highway system shall be

1 maintained by the state at state expense. The department shall prescribe by rule
2 specifications for such maintenance and may contract with any county highway
3 committee or municipality to have all or certain parts of the work of maintaining the
4 state trunk highways within or beyond the limits of the county or municipality,
5 including interstate bridges, performed by the county or municipality, and any
6 county or municipality may enter into such contract. ~~General maintenance~~
7 Maintenance activities include the application of protective coatings, the removal
8 and control of snow, the removal, treatment and sanding of ice, interim repair of
9 highway surfaces and adjacent structures, and all other operations, activities and
10 processes required on a regular, continuing basis for the preservation of the
11 highways on the state trunk system, and including the care and protection of trees
12 and other roadside vegetation and suitable planting to prevent soil erosion or to
13 beautify highways pursuant to s. 66.1037, and all routine measures deemed
14 necessary to provide adequate traffic service. ~~Special maintenance activities include~~
15 ~~the restoration, reinforcement, complete repair or other activities which the~~
16 ~~department deems are necessary on an individual basis for specified portions of the~~
17 ~~state trunk system.~~ Maintenance activities also include the installation,
18 replacement, rehabilitation, or maintenance of highway signs, ~~traffic control signals,~~
19 highway lighting, and pavement markings, and the maintenance of traffic control
20 signals and intelligent transportation systems. The department may contract with
21 a private entity for services or materials or both associated with the installation,
22 replacement, rehabilitation, or maintenance of highway signs, ~~traffic control signals,~~
23 highway lighting, and pavement markings, and the maintenance of traffic control
24 signals and intelligent transportation systems.

****NOTE: This is reconciled s. 84.07 (1). This SECTION has been affected by drafts with the following LRB numbers: LRB-0254 and LRB-0161. In this draft, I added text from LRB-0161.

SECTION 19. 84.07 (2) of the statutes is renumbered 84.07 (2) (a) and amended to read:

84.07 (2) (a) ~~When~~ Except as provided in par. (b), when any county or municipality maintains the state trunk highways within or beyond the limits of the county or municipality, including interstate bridges, in compliance with the arrangement with the department, the department shall pay the actual cost of the maintenance, including the allowance for materials and the use of county or municipal machinery and overhead expenses agreed upon in advance. ~~The~~ Except as provided in par. (b), the payments shall be made upon presentation by the county highway committee or municipal clerk of a properly itemized and verified account. ~~The~~ For payments made under this paragraph, the county highway committee or municipal clerk shall present the itemized accounts for general maintenance work no later than one month following the period during which the work is performed.

SECTION 20. 84.07 (2) (b) of the statutes is created to read:

84.07 (2) (b) When any county or municipality maintains the state trunk highways within or beyond the limits of the county or municipality, including interstate bridges, in compliance with the arrangement with the department, the department and the county or municipality may agree to a payment method and terms other than that specified in par. (a), including payment according to a contract price for maintenance services rather than payment of the actual cost of the maintenance.

(END)